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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

CB

# Office Action Summary

Application No.

09/967,108

Applicant(s)

COLEMON, JAMES M.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-27 is/are rejected.
- 7) ☒ Claim(s) 18,19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claims 3,5,19, and 21 are objected to because they recite the limitations "the tone sequence" and "the digital interface" in line 1. There is insufficient antecedent basis for this limitation in the claim. In this office action claims 3,5,19, and 21 will be interpreted to read "the method of claim 2,4,18, and 20" respectively. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-16 rejected under 35 U.S.C. 102(b) as being anticipated by Leung et al., Patent #6,005,870.**

Regarding claims 1 and 11, Leung teaches a method and machine-readable medium comprising:  
receiving an incoming call at an automated attendant port (201 Fig.2, col.6 lines 39-40 or 501 Fig.4a, col.9 lines 3-9);

receiving a call handle associated with the incoming call and applying the call handle to retrieve caller information associated with the call handle(col.5 lines 50-54 or 507 Fig.4a, col.9 lines 10-17); and using the retrieved caller information to handle the call if caller information associated with the call handle is found (*col.7 lines 4-10 or col.9 lines 41-51; it is understood from col.6 lines 36-39 that combining call identification and routing functions within a serving apparatus to perform the claimed invention is known*).

Regarding claims 2 and 3, Leung teaches the method of claim 1, wherein receiving a call handle comprises receiving a tone sequence at the automated attendant port, decoding the tone sequence, and deriving the call handle from the decoded tone sequence (*col.6 lines 46-60; the ANI information from the caller is also input through a tone sequence*).

Regarding claims 4 and 5, Leung teaches the method of claim 1, wherein receiving a call handle comprises receiving a call handle message through a digital interface (*col.6 lines 46-54; a digital interface is needed to perform digital data analysis*).

Regarding claim 6, Leung teaches the method of claim 1, wherein receiving an incoming call comprises receiving an incoming call from a switch and wherein receiving a call handle comprises receiving a call handle from the switch [*501 Fig.4a; ANI information from the caller is inputted through a central office switch to the receiving switch of the called party*].

Regarding claim 7, Leung teaches the method of claim 1, wherein using the retrieved caller information comprises providing audio information in a language

previously selected by the caller (515 Fig.4a, col.9 lines 54-60, and col.10 lines 20-24;  
*the caller according to retrieved caller information can select language conversion)*

Regarding claims 8, 12, and 13 Leung teaches the method and medium of  
claims 1 and 11, if no caller information associated with the call handle is found or if the  
call is not a forwarded call, the instructions further comprising:

requesting caller information from the caller (511 Fig.4a);  
storing received caller information in association with the call handle; and using the  
received caller information to handle the call [513,515 Fig. 4a; *caller information is  
stored before it can be analyzed then the call is handled according to received caller  
information*).

Regarding claim 9, Leung teaches the method of claim 1, further comprising  
receiving an indication of whether the call is a forwarded call and wherein retrieving  
caller information and using the retrieved information are performed only if the call is a  
forwarded call (103 Fig.1; based on caller ANI/treatment information indicates if call is a  
forwarded call).

Regarding claim 10, Leung teaches the method of claim 9, if the call is not a  
forwarded call, further comprising:

requesting caller information from the caller(511 Fig.4a);  
storing received caller information in association with the call handle and  
using the received caller information to handle the call (513,515 Fig. 4a; *caller  
information is stored before it can be analyzed then the call is handled according to  
received caller information*).

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Regarding claim 14, Leung teaches an apparatus comprising:

an automated attendant port to receive an incoming call (col.6 line 66-col.7 line 3 and col.7 lines 16-25; e.g. personal computer terminal (serving apparatus) has ports within a switch;

an automated attendant port to receive a call handle associated with the incoming call (507 Fig. 4a) ; a memory containing caller information associated with call handles (311 Fig.3); and

a processor to apply the call handle to retrieve caller information and use the retrieved caller information to handle the call if caller information associated with the call handle is found (310 Fig.3).

Regarding claims 15 and 16, Leung teaches the apparatus of claim 14, wherein the automated attendant port to receive the call handle comprises a digital interface which is a digital backplane connected to a switch (*col.6 lines 46-54; a digital backplane is needed to perform digital data analysis; one embodiment is a personal computer connected within a switch*).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 17, 20-27 rejected under 35 U.S.C. 102(e) as being anticipated by Maloney et al., Patent #5,555,299.**

Regarding claims 17 and 22, Maloney teaches a method and a machine readable medium with instructions comprising:

receiving an incoming call (12 Fig.2);

generating a call handle for the incoming call (*col.5 lines 13-23; CSR 54 generates a call handle(caller profile including the name of the caller, e.g. Ima Buyer) in order to track the call when it is routed from one call center to another;*

routing the incoming call and associated call handle to a port of a call handling system [*col.6 lines 17-21 and lines 48-53; the incoming call and associated call handle with caller's name is transferred to a call handling system( the second CSR at CC 71)];*

Maloney's system is silent but understood that the CC 50 can transfer a call from the call handling system (CC 50) to CC 71 and CC 71 can re-route the same call back to a port of the call handling system (CC 50).

At the time the invention was made, it would have been obvious if the customer, Ima Buyer(the name of which is part of the caller profile in this embodiment), wanted to buy a second pea coat, the call would have been re-routed with the call handle(Ima Buyer) back to the second CSR at CC 71 (see col. 9 line 8 – col.10 line 24). Therefore Maloney teaches the limitation of transferring the routed call from the call handling system and re-routing it back with the same call handle(i.e the name of the caller, Ima Buyer) to a port of the call handling system (CC 50).

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Regarding claims 20-24, Maloney teaches the method and machine readable medium of claims 17 and 22, wherein sending the call handle comprises sending an identification message through a digital interface comprising a digital backplane connection to the call handling system (*col.4 line 66- col.5 line 3; the ISDN network in Maloney include digital switches that have to include digital interfaces/backplanes, which the incoming call with call handling info was received through*).

Regarding claim 25, Maloney teaches a method comprising:

- a port to receive an incoming call (14 Fig.2);
- a call handle generator to generate a call handle for the incoming call (*col.5 lines 13-23; CSR 54*) ;
- a switching network to route the incoming call to a port of a call handling system (Fig.2);
- and an interface to send the call handle to the call handling system in association with the routed call (14 or 58 Fig.3).

Regarding claims 26 and 27, Maloney teaches the apparatus of claims 25 and 26, wherein the interface comprises a digital interface and a digital backplane connection to the call handling system (*col.4 line 66- col.5 line 3; the ISDN network in Maloney include digital switches that have to include digital interfaces/backplanes, which the incoming call with call handling info was received through*).



***Allowable Subject Matter***

4. Claims 18-19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of a proper allowable base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Petrunka et al., Patent #5,987,116 teaches a call servicing system with language selection to route calls.

Szlam, Patent #5,511,112 teaches a digital system with tone decoders to route calls with language selection.

Tatchell, Patent #6,160,877 teaches an automated attendant capable of routing calls based on call handle information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP  
August 21, 2002

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written over the printed name and title.